

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Offen Petroleum LLC v. L&J Express, LLC, et al.

Offen Petroleum · No. CV-25-00061-TUC-JCH (EJM) · Decided January 16, 2026

SUMMARY

This Report and Recommendation addresses motions to dismiss filed by Midnight Sun Logistics, LLC, Texas Fueling Services, Inc., and Global Companies LLC in a fuel-distribution dispute. The court recommends denying Midnight Sun’s motion, granting in part and denying in part Texas Fueling’s motion, and granting in part and denying in part Global Companies’ motion. The excerpt discusses personal jurisdiction, failure to state a claim, unjust enrichment, and negligence arising from allegedly unauthorized fuel loads.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Enric J. Markovich
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 16, 2026
DOCKET	CV-25-00061-TUC-JCH (EJM)
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on three motions to dismiss and an alternative motion for a more definite statement in an action alleging unjust enrichment and negligence arising from unauthorized fuel loads.
STANDARD OF REVIEW	For personal jurisdiction without an evidentiary hearing, the plaintiff need only make a prima facie showing of jurisdictional facts, with disputed facts construed in the plaintiff's favor. On Rule 12(b)(6), the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, disregards conclusory allegations, and asks whether the complaint plausibly states a claim for relief. A Rule 12(e) motion is appropriate only when a pleading is so vague or ambiguous that the responding party cannot reasonably prepare a response.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

motions to dismiss personal jurisdiction motion for a more definite statement negligence
commercial litigation

PRACTICE AREAS

civil procedure personal jurisdiction negligence commercial litigation remedies

QUESTIONS PRESENTED

1. Whether Arizona could exercise specific personal jurisdiction over Midnight Sun Logistics.
2. Whether Offen's complaint plausibly stated an unjust enrichment claim against Midnight Sun, Texas Fueling Services, and Global Companies.
3. Whether Offen plausibly alleged that Texas Fueling Services and Global Companies owed it a legal duty supporting negligence claims.
4. Whether the complaint was so vague or ambiguous that Midnight Sun was entitled to a more definite statement under Federal Rule of Civil Procedure 12(e).

HOLDINGS

1. The complaint made a prima facie showing that Midnight Sun purposefully directed activity toward Arizona, that Offen's claims arose out of or related to those activities, and that exercising jurisdiction was reasonable.
2. The complaint plausibly alleged unjust enrichment against Midnight Sun, Texas Fueling Services, and Global Companies, and the absence of a direct contractual relationship did not require dismissal.
3. The complaint failed to allege sufficient facts showing that Texas Fueling Services or Global Companies owed Offen a legal duty supporting negligence claims.
4. Midnight Sun was not entitled to a more definite statement because the complaint was not unintelligible or so vague and ambiguous that it could not reasonably prepare a response.

KEY QUOTATIONS

“In order for a court to exercise personal jurisdiction over a nonresident defendant, that individual must ‘have certain minimum contacts with [the relevant forum] such that the maintenance of the suit does not offend ‘traditional notions of fair play and substantial justice.’” (at 10)

“For a statute to create a duty: (1) the plaintiff must be ‘within the class of persons to be protected by the statute,’ and (2) the harm must be of the type ‘the statute sought to protect against.’” (at 23)

“Rule 12(e) is designed to strike at unintelligibility rather than want of detail.” (at 25)

FACTUAL BACKGROUND

Offen Petroleum distributes fuel purchased from Marathon Petroleum and sells fuel in Arizona, including to Global Companies for eventual movement into Mexico. Customers and downstream distributors used Offen's

loading number to authorize carriers to lift fuel from Arizona terminals. In October, November, and December 2024, seventy-four loads were allegedly lifted using Offen's loading number without permission, resulting in an alleged loss of \$1,421,482.06. Offen alleged that the defendants participated in a distribution chain involving the fuel and asserted unjust enrichment and negligence claims.

PROCEDURAL HISTORY

Offen Petroleum filed a complaint concerning seventy-four fuel loads allegedly lifted using Offen's loading number without authorization. Midnight Sun Logistics moved to dismiss under Rules 12(b)(2) and 12(b)(6) and alternatively sought a more definite statement. Texas Fueling Services and Global Companies moved under Rule 12(b)(6). The magistrate judge recommended denying Midnight Sun's motion, denying the motions as to unjust enrichment, granting them as to negligence, denying the Rule 12(e) request, and allowing leave to amend the negligence claim. The recommendation was subject to objections and review by the district judge.

DISPOSITION

other

CASES CITED

- Association for Los Angeles Deputy Sheriffs v. County of Los Angeles, 648 F.3d 986, 991 (9th Cir. 2011)
- Harris Rutsky & Co. Insurance Services, Inc. v. Bell & Clements, Ltd., 328 F.3d 1122, 1128-29 (9th Cir. 2003)
- Brayton Purcell LLP v. Recordon & Recordon, 606 F.3d 1124, 1127 (9th Cir. 2010)
- Pebble Beach Co. v. Caddy, 453 F.3d 1151, 1154 (9th Cir. 2006)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Pareto v. Federal Deposit Insurance Corp., 139 F.3d 696, 699 (9th Cir. 1998)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Boquist v. Courtney, 32 F.4th 764, 773-74 (9th Cir.)
- Davidson v. Kimberly-Clark Corp., 889 F.3d 956, 965 (9th Cir. 2018)
- Knievel v. ESPN, 393 F.3d 1068, 1072 (9th Cir. 2005)
- Newcal Industries, Inc. v. Ikon Office Solution, 513 F.3d 1038, 1043 n.2 (9th Cir. 2008)
- Mann v. City of Tucson, 782 F.2d 790, 793 (9th Cir. 1986)
- Schwarzenegger v. Fred Martin Motor Co., 374 F.3d 797, 800, 802 (9th Cir. 2004)
- Panavision International, L.P. v. Toeppen, 141 F.3d 1316, 1320 (9th Cir. 1998)
- Doe v. Deutsche Lufthansa Aktiengesellschaft, 2025 WL 3030423, at *4-*7 (9th Cir. 2025)
- Impossible Foods Inc. v. Impossible X LLC, 80 F.4th 1079, 1086 (9th Cir. 2023), cert. denied, 144 S. Ct. 2561 (2024)
- Cybersell, Inc. v. Cybersell, Inc., 130 F.3d 414, 416 (9th Cir. 1997)

- *International Shoe Co. v. State of Washington, International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)
- *Milliken v. Meyer*, 311 U.S. 457 (1940)
- *Ford Motor Co. v. Montana Eighth Judicial District Court*, 592 U.S. 351, 358-59 (2021)
- *Briskin v. Shopify, Inc.*, 135 F.4th 739, 750-52, 760 (9th Cir. 2025) (en banc)
- *Mavrix Photo, Inc. v. Brand Technologies, Inc.*, 647 F.3d 1218, 1228 (9th Cir. 2011)
- *Calder v. Jones*, 465 U.S. 783 (1984)
- *Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 477 (1985)
- *Sinatra v. National Enquirer, Inc.*, 854 F.2d 1191, 1199 (9th Cir. 1988)
- *Doe v. Unocal Corp.*, 248 F.3d 915, 924 (9th Cir. 2001)
- *Gray & Co. v. Firstenberg Machinery Co.*, 913 F.2d 758, 760-61 (9th Cir. 1990)
- *Sher v. Johnson*, 911 F.2d 1357, 1362 (9th Cir. 1990)
- *Wichansky v. Zowine*, 150 F. Supp. 3d 1055, 1074-75 (D. Ariz. 2015)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001)
- *Loumena v. Hammon*, 2015 WL 7180679 (N.D. Cal. Nov. 16, 2015)
- *Starr v. Baca*, 652 F.3d 1202, 1213-17 (9th Cir. 2011)
- *Erickson v. Pardus*, 551 U.S. 89 (2007)
- *Dura Pharmaceuticals, Inc. v. Broudo*, 544 U.S. 336 (2005)
- *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 510 (2002)
- *Murdock-Bryant Construction, Inc. v. Pearson*, 703 P.2d 1197, 1202 (Ariz. 1985)
- *Griffey v. Magellan Health Inc.*, 562 F. Supp. 3d 34, 48 (D. Ariz. 2021)
- *Cal-Am Properties Inc. v. Edais Engineering Inc.*, 509 P.3d 386, 390 (Ariz. 2022)
- *Lips v. Scottsdale Healthcare Corp.*, 229 P.3d 1008, 1010 (Ariz. 2010)
- *Bloxham v. Glock Inc.*, 53 P.3d 196, 199 (Ariz. Ct. App. 2002)
- *Martinez v. Woodmar IV Condominiums Homeowners Association*, 941 P.2d 218, 219-20 (Ariz. 1997)
- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 701 (9th Cir. 1990)
- *Resolution Trust Corp. v. Dean*, 854 F. Supp. 626, 649 (D. Ariz. 1994)
- *Adobe Systems, Inc. v. A & S Electronics, Inc.*, 153 F. Supp. 3d 1136, 1147 (N.D. Cal. 2015)
- *Renfrow v. BDP Innovative Chemicals Co.*, 2015 WL 13036933 (D. Ariz. May 20, 2015)
- *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 34 (1984)